

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON FISH, WILDLIFE AND PARKS

Call to Order: By **CHAIRMAN DANIEL FUCHS**, on January 11, 2001 at
3 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Daniel Fuchs, Chairman (R)
Rep. Joe Balyeat, Vice Chairman (R)
Rep. George Golie, Vice Chairman (D)
Rep. Keith Bales (R)
Rep. Debby Barrett (R)
Rep. Paul Clark (D)
Rep. Tom Facey (D)
Rep. Nancy Fritz (D)
Rep. Steven Gallus (D)
Rep. Gail Gutsche (D)
Rep. Larry Jent (D)
Rep. Jeff Laszloffy (R)
Rep. Diane Rice (R)
Rep. Rick Ripley (R)
Rep. Allen Rome (R)
Rep. Jim Shockley (R)
Rep. Donald Steinbeisser (R)
Rep. Brett Tramelli (D)

Members Excused: Rep. Ronald Devlin (R)

Members Absent: Rep. Bill Thomas (R)

Staff Present: Linda Keim, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 185, HB 215, HB 99,
1/11/2001
Executive Action: HB 132 as Amended

HEARING ON HB 185

{Tape : 1; Side : A; Approx. Time Counter : 3.07 - 10.1}

Sponsor: REPRESENTATIVE STEVE GALLUS

Proponents: Jeff Hagener, Fish Wildlife and Parks
Jeff Barber, Montana Wildlife Association

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE STEVE GALLUS, HD 35, BUTTE, stated the purpose of the bill is to remove the termination date on the youth combination sports license, with an immediate effective date. The bill has one amendment, which clarifies age 17 if someone turns 18 during the year of use, so they will hold a legal license.

Proponents' Testimony:

JEFF HAGENER, Fish Wildlife and Parks, submitted written testimony, which he read, **EXHIBIT**(fih08a01).

JEFF BARBER, MONTANA WILDLIFE ASSOCIATION, stated that their mission is to preserve Montana's outdoor heritage, and cheaper licenses make this possible.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REPRESENTATIVE GALLUS said he hoped the approval of this bill starts off the year on a good note.

End Hearing on HB 185.

HEARING ON HB 215

{Tape : 1; Side : A; Approx. Time Counter : 10.1 - 79.4}

Sponsor: REPRESENTATIVE JIM SHOCKLEY, HD 61, RAVALLI COUNTY

Proponents: **Bob Raney, Montana State Parks Foundation**
 Jeff Barber, Montana Wildlife Federation
 George Ochenski, Montana State Parks Association

Opponents: **Jeff Hagener, Fish, Wildlife and Parks**

Opening Statement by Sponsor:

REPRESENTATIVE JIM SHOCKLEY, HD 61, RAVALLI COUNTY, states this is the primitive parks bill. The purpose of this bill is to preserve a part of the park system permanently. Areas so designated would be located only on streams and rivers. There would be no fees to Montana residents, seven day limit on camping, no ATV off-road, no showers, no RV dumps or pads, no electricity except with special permit. It allows re-paving, boat ramps and BBQ pits. It will be up to the legislature, not the agency, (page three, line eight) to decide the developmental level,

Proponents' Testimony:

BOB RANEY, MONTANA STATE PARKS ASSOCIATION, states that in order to save a portion of our park system for future generations of Montanans, it requires that we limit development. This Bill takes 1/3 of the fishing access sites, made free for Montanans' usage, which would be 119 primitive sites. None are on lakes, just rivers and streams.

GEORGE OCHENSKI, MONTANA STATE PARKS ASSOCIATION, indicated that it is not the job of the state to compete with the private sector like KOA campgrounds. We don't want to put the fiscal burden on the agency to find monies to pay for the improvements. We want to save the money for noxious weed abatement, fences, etc.

Opponents' Testimony:

Jeff Hagener, Fish, Wildlife and Parks, submitted written testimony which he followed in his remarks, **EXHIBIT(fih08a02).**

Questions from Committee Members and Responses:

REPRESENTATIVE JOE BALLYEAT asked about the fees charged at fishing access sites. What about the cost of enforcing fee collection vs the actual collection. Is it just a nuisance tax? **JEFF HAGENER, FWP,** deferred to **DOUG MONGER** for details. **DOUG MONGER, FWP** stated that one of the criteria is to determine if the fee collection is cost effective. **REPRESENTATIVE BALLYEAT** responded by asking how you determine cost effective. **DOUG**

MONGER answered that it has to be of substantial benefit to implement a fee system.

REPRESENTATIVE BALES asked if all access points on the bill are current access. **JEFF HAGENER** responded that they are.

REPRESENTATIVE BALES asked what is the duration of those leased from private landowners. **JEFF HAGENER** defers to **DOUG MONGER** for details. **DOUG MONGER** replies that the length of time and the criteria in the leases is subject to negotiation with the private landowner. **REPRESENTATIVE BALES** asked what the effect is on private property rights if they have been leased. **DOUG MONGER** replied that if the criteria for leasing were to pave the road to avoid dust, that the primitive park statute would not allow this. **REPRESENTATIVE BALES** asked, if these are not permanent easements, is there something in this bill that will prevent property owners from developing their own property at some point in time. **DOUG MONGER** stated they are not sure of the effect on that individual as long as it is leased to the state, they do not have an answer to that question.

REPRESENTATIVE BALES stated, in your bill, you list certain access points and give the department authority to add to that list. What would be the cause and effect of the department adding to the list, and since they are not listed in the statute at that time; could they go on and come off as they please, or are they on permanent. **REPRESENTATIVE SHOCKLEY** said it was interpreted to mean that if the department added access points by rule, they could be removed by rule. But, only whoever puts them on can take them off.

REPRESENTATIVE FACEY asked why don't we want camp hosts at the sites; they could collect fees, reduce vandalism, etc. They stay there free, why is that bad? **REPRESENTATIVE SHOCKLEY** replied that no one else is allowed to stay more than seven days. This would be the first step toward adding electricity, showers, flush toilets, etc.

REPRESENTATIVE LASZLOFFY asked if anyone is aware of current cases that if we passed this bill now and put it in the statute, that the department would be out of compliance with the existing lease. **DOUG MONGER** replied no. **REPRESENTATIVE LASZLOFFY** asked if there are any campgrounds that do not allow a generator. **DOUG MONGER** replied that they do have quiet hours posted from 10PM to 10AM which is typically a non-generator time.

REPRESENTATIVE RIPLEY asked clarification whether HB 215 allows for paving new roads. **REPRESENTATIVE SHOCKLEY** refers to Page Three, Line Eight. That provision provides for resurfacing of

roads that are already paved. Refer to Page Three, Line 28: "The following development of designated primitive fishing access sites is prohibited": Listed under that Section, on Page Four, Line Five the bill states: "paving of existing but previously unpaved roads and parking lots." Therefore, this is prohibited.

REPRESENTATIVE RIPLEY states that in the written testimony from **JEFF HAGENER**, it says HB 215 does allow for paving.

REPRESENTATIVE SHOCKLEY replied this is a clerical error, and HB 215 does not allow for paving new roads.

REPRESENTATIVE GUTSCHE asked for more information regarding fees, are they tracked by site? **BOB RANEY** replied he has been informed in the past that they can't track fee payment by site.

Previously, we have not asked the department directly, always asked legislative fiscal analysts. They have told him they don't track by site, so no information is available. Would like to know if that information has recently been made available.

REPRESENTATIVE GUTSCHE asked about **JEFF HAGENER's** testimony.

States it is unclear if this bill would prevent private landowners from making improvements on their own property. Since 20% of the sites listed in HB 215 are leased from federal agencies or private landowners. **BOB RANEY** stated this is confusing information. The lease stipulates what can and cannot be done and this Bill says you can only develop up to a certain level. This is encouraged. Lake Mary Ronan was originally a primitive park. Because the dust was too heavy, individuals from the community came and requested it be taken off the list. In the future if it became so popular it needed camp hosts, electricity, and water, it can be done.

REPRESENTATIVE CLARK asked if the 20% leased information in Section 2 was actual or an estimate. **DOUG MONGER** replied it is an estimate. **REPRESENTATIVE CLARK** asked about the length of the leases. **DOUG MONGER** replied that 2-5 years are initial common lengths. **REPRESENTATIVE CLARK** asked if there are any current 20 year leases. **DOUG MONGER** replied that he did not know.

REPRESENTATIVE CLARK asked if the end of the lease period would basically be a sunset, and during that period of time, the landowner could not develop the property. Then if the landowner chose not to renew the lease, he could develop it.

REPRESENTATIVE CLARK stated, then there is no long term prohibition in this bill giving landowners the inability to develop this property. **DOUG MONGER** replied it depended on the definition of long term, as there may be a 20 year lease on it.

REPRESENTATIVE CLARK asked which sites the department has looked at and would most likely require development in the future. **DOUG**

MONGER replied that of the 320 fishing access sites they have, they looked at all of them during their administrative rule process. It was determined that 140 would not need additional development or were suitable for primitive development. The answer is the 108 that are already in the administrative rule.

REPRESENTATIVE CLARK asked about a bill that was passed during the last session that stated whenever the government was involved in an enterprise, a study would be done, and the government would not compete with private enterprise. Is a study done each time you consider, or is there a plan to do a study each time you consider developing one of these sites, regarding whether or not there would be competition with the private sector if the site were developed? **DOUG MONGER** replied that each time they do any development on fishing access sites, or any FWP property, they go through the appropriate advisement policy act. One thing they look at is the social impact and impacts on local communities. Beyond that, there is nothing specific that they do in competing with private industry.

CHAIRMAN FUCHS asked for clarification regarding fee collection. **ANGIE GROVE, LEGISLATIVE AUDIT DIVISION** advised she was not here to testify, but would answer questions. Under their Management of Parks Division, 85 fishing access sites were visited and photographed, and a final report may be available this weekend. Also, they can now gather fee information by site and it has been tracked. **CHAIRMAN FUCHS** stated he would like to have that information and would also like to have the report as soon as possible for executive action next week.

REPRESENTATIVE CLARK asked if there is a fee that goes along with developing a site, or at what point is a fee introduced? **ANGIE GROVE** replied that there is not necessarily a fee that goes along with the development. This is also in the rules, it has to go through a public information process. The rules are updated monthly, but have to go through a public process.

REPRESENTATIVE BARRETT questioned: there is a list of regions, but no map. In each region, how far are these sites from a wilderness area and is there a wilderness area near each region?

REPRESENTATIVE SHOCKLEY deferred to **BOB RANEY**, who answered that they are all on rivers and streams; valley bottoms. A big share are in Eastern Montana, and only miles from a town. Where there are no wilderness areas, they get big Day use by local people. While they could get to wilderness areas, they couldn't get to the Yellowstone River, where they really want to go.

REPRESENTATIVE BARRETT asked about designated primitive areas where there is not that much distance from wilderness area for people seeking solitude. Why would they go to a public place

seeking solitude, wouldn't it be easier to go where the people aren't? **BOB RANEY** stated if they were going for solitude that would be true, but it is the river and stream experience that they go to fishing access sites for. State parks are different, they are located all over. All these are on a river or stream, so mostly what people do there is fish or use the river in some manner to float. There are bird watchers, dog walkers, etc. The agency created the word "primitive" some years ago to discuss an area whose development is limited.

REPRESENTATIVE BALES stated you mentioned that weed control was going to be part of this, would you elaborate. **REPRESENTATIVE SHOCKLEY** noted that **BOB RANEY** was the one who referred to weed control, but this does not prevent any weed control that the department would normally be doing. There has been some conflict between landowners and the department in the past, but this Bill doesn't prevent the department from normal weed control.

REPRESENTATIVE BALES questioned re this Bill doing away with the fees, and that there is no fiscal note attached to it. Do you have any idea of how much money that amounts to? **BOB RANEY** deferred to the Legislative Audit person. **ANGIE GROVE** answered that no information has been compiled on fees at fishing access sites, but that it could be done.

CHAIRMAN FUCHS asked if there had been any notice given that a fiscal note would be required. **REPRESENTATIVE SHOCKLEY** replied that he had not received any notice to that effect, but **GEORGE OCHENSKI** may have some information. **GEORGE OCHENSKI, FWP**, stated that in the Primitive Parks Act, they eliminated entrance fees for Montanans, not camping fees. That is probably what this Bill should say. In that way, Montanans could still go there for free, but if they camped there, they could still be charged a camping fee. Eliminating an entrance fee on this bill would have no fiscal impact, because Montanans are not charged a fee at the present time.

{Tape : 1; Side : B;}

REPRESENTATIVE SHOCKLEY stated that he was just handed a copy of a fiscal note which does not have his signature on it, so he assumed he had not seen it. (There was a short break in the hearing while **REPRESENTATIVE SHOCKLEY** checks to see if a final fiscal note has been prepared. **ANGIE GROVE** has procured a copy of the departmental fiscal note, which is the first draft the department prepares and has not been signed by the budget director.) **CHAIRMAN FUCHS** asks **REPRESENTATIVE SHOCKLEY** to find out where the fiscal note is that is signed by the budget

director before executive action takes place on Tuesday.

CHAIRMAN FUCHS asks for further questions.

REPRESENTATIVE STEINBEISSER asked how many leases there are, and the length. Also, when a lease ends, will landowners be hampered by anything that was in the lease. **REPRESENTATIVE SHOCKLEY** stated he will have the agency provide that information for executive action. A lease is a property right which is being given up in return for FWP money. When the lease expires, the whole property right again resides with the landowner. While the lease is in effect, the landowner gives up his property right to FWP.

REPRESENTATIVE BALLYEAT asked about the copy of the fiscal note draft. The first page indicates expenses up \$20,000 and revenue going down by \$10,000. Neither of the expenses came out of the general fund, they came out of special funds for FWP, so the bottom line is zero. It projects expenses up and revenue down. Do you agree? **DOUG MONGER** answered yes. **REPRESENTATIVE BALLYEAT** continues; on the second page, it talks about why the expenses are up and the revenue goes down. This is because of what it would cost to pay a person to enforce the law at these campgrounds. It goes back to ensuring compliance. If you are only collecting \$10,000, it sounds like it would cost \$20,000 to enforce fee collection. **DOUG MONGER** answers FWP only charges a fee at 31 out of the 320 sites, and that is a nominal camping fee of \$5.00. This legislation deals with six of the 31 sites charging fees which are included in the bill. Currently, revenue is \$10,279 at the six sites. He states that an assumption was made, because of the 20% growth at each site. That is shown on Page Two (02) under Revenues, which indicates a loss of \$12,000 revenue. There no reflection beyond that of cost to collect. The assumption was made that it is substantially greater than our cost to collect. Costs within this bill that delineate out the other \$20,000 are costs of increased vandalism, cost of putting up signing to designate it a primitive fishing access site, etc. This was the department's first draft of a fiscal note. Most notes go through several reviews and audits including signatures before they get here, so that is why you are seeing this without any signatures.

REPRESENTATIVE BALLYEAT asks about Note #6 on the Page Two of the fiscal note, which explains what the expenditures are. It doesn't say anything about vandalism; it says this would be the cost of one half full time equivalent, (FTE) and \$5000 in travel to enforce. So you are saying that the Note #6 is not fully accurate, and it also includes the cost of vandalism? **DOUG MONGER** replies that the FTE cost was travel for that employee as

well as signing costs and vandalism estimates. The note is accurate, it is just not all-inclusive.

CHAIRMAN FUCHS noted that the bill sponsor is on our committee and will be present at Executive Action. Unless there is a question for someone else, he would like to save questions for **REPRESENTATIVE SHOCKLEY** for Executive Action. There were no other questions.

Closing by Sponsor:

REPRESENTATIVE SHOCKLEY notes there is an error in his previous statement. As **DOUG MONGER** pointed out, there are some lakes in this bill, and **Legislative Staffer Doug Sternberg** will be writing an Amendment to take out anything that has the word "lake" in it. That was inadvertent. Basically this is a control issue; in statute the legislature controls, in rule the agency controls. When FWP leases something from the landowner, FWP is given the right to use it, and the landowner doesn't have the right to use the property during the lease duration. If your plan is to keep the lease out of the hands of the state, then a primitive park is the way to go because the leases are only 2-5 years. The state would not want to make improvements on short term leased areas. If they want to make major improvements, they would require a 20 year lease. FWP is in the business of managing hunting and fishing; their business is not in going into private business and competition with KOA. The ambiance of a primitive site is important to many people; people who are not very mobile would still like to go to a campground that is not a KOA.

Close hearing on HB 215.

HEARING ON HB 99

Sponsor: **REPRESENTATIVE RON DEVLIN, HD 3, EASTERN MONTANA**

Proponents: **Jeff Hagener, Fish, Wildlife and Parks**
Jean Johnson, Montana Outfitters and Guides Assn.

Opponents: None

Opening Statement by Sponsor:

REPRESENTATIVE RON DEVLIN, HD 3, EASTERN MONTANA states that this legislation was drafted at the request of FWP, and its purpose is to repeal the sunset on existing legislation which was to split combination nonresident deer licenses from nonresident big game licenses for purposes of deer management. FWP would like to

continue this practice. On the Fiscal Note, please note this is a special fund expenditure. Also, on the deer tags that are separated from the elk licenses. They are made available to other pools, primarily the landowner's sponsored pool which are provided to landowners who provide reasonable public access.

Proponents' Testimony:

JEFF HAGENER, FISH, WILDLIFE AND PARKS, submitted written testimony which he followed in his remarks. He noted that in paragraph four, the amount should read "between 1200 and 1500". **EXHIBIT(fih08a03)**.

JEAN JOHNSON, MONTANA OUTFITTERS AND GUIDES ASSOCIATION, noted that in the previous 1995 legislation, when a guaranteed license was implemented, a client had to hunt both parts of the combination license with an outfitter. This was difficult in areas where deer were on permit, because of the restriction. Also, it put the department at risk because of the requirement to buy a combination license and not be allowed to hunt one part of it. Outfitters are not allowed to hunt beyond their stipulated area, so they would not be able to serve that second part. If the client wanted to hunt deer, he would have to find another outfitter and pay the extra charges and hunt deer in an area that wasn't under permit. The purpose of the bill was to give FWP the ability to manage wildlife. It was determined this would be best managed when the licenses are not coupled together. We supported the bill then, and we support it now.

Opponents' Testimony: None

Questions from Committee Members and Responses: None

Closing by Sponsor:

REPRESENTATIVE DEVLIN noted that this bill removes the sunset provision, and does not extend it. It allows the commission to set its own rules regarding whether or not this practice will continue. If the biology in a certain area changes, the commission has the authority to not separate the tags.

Close Hearing on HB 99.

EXECUTIVE ACTION ON HB 132

REPRESENTATIVE STEVE GALLUS moved that **HB 132 DO PASS**.

Legislative Staffer Doug Sternberg stated that **REPRESENTATIVE BRUEGGEMAN** hinted at Amendments when he opened the hearing on HB 132. The Amendments are in three separate sets; designated 01-

02-03 in the lower right corner, and are being passed out to the committee. Amendment 13201 is designated **EXHIBIT(fih08a04)**. Amendment 13202 is designated **EXHIBIT(fih08a05)**. Amendment 13203 is designated **EXHIBIT(fih08a06)**.

Doug Sternberg stated that Amendment 01 amends the title, and the substantive change is on lines 12 through 15 which strikes the phrase "increasing by 7% the portion of the boat fee in lieu of tax". That is also reflected in Amendment 02 where we strike the reference to section 23-2-518 which is Section 1 of the bill. Amendment 03 strikes Section 1 in its entirety. The reason is that the effect of this would be to change Section 518 back to its original form, which was 20%. So it would no longer be necessary to leave section one in the Bill.

CHAIRMAN FUCHS asked that the committee listen to the Amendments and then see if anyone will move on the Amendments.

Doug Sternberg, explained Amendment 02, and stated that the alternative funding mechanism was to raise the boat decal fee from \$2.50 to \$5.00. It inserts Section 23-2-512, the Section with the necessary statutory language. Title changes are reflected in Amendments 01 and 02.

Amendment 03 increases the sunset, and extends the sunset by four more years.

Sponsor **REPRESENTATIVE BRUEGGEMAN** explains the intent of the Amendments, stating this is not a new Bill and he will break it down with the Amendments. In its original form, the bill read 20%. When it was increased to 27%, they received some outcry from the county saying this would take more of their funding, so it was brought back to the original 20% in Amendment 01. Amendment 02 was to raise the boat decal fee from \$2.50 to \$5.00 to provide the money that wasn't accounted for in the 7%, and is basically a user fee to bring the 27% down. Amendment 03 is a four year sunset.

Motion/Vote: **REP. FACEY** moved that **AMENDMENT 01 TO HB 132 DO PASS. Motion carried unanimously.**

Motion: **REP. FACEY** moved **AMENDMENT 02 TO HB 132.**

Discussion:

REPRESENTATIVE FACEY states that this is money which the boaters pay now; they appreciate the boating facilities. It goes directly to the boat owners, it is in a special fund. They pay it, and they get the benefit from it. **REPRESENTATIVE LASZLOFFY**

stated this is not a large increase, it is only \$2.50, but he has a lot of sportsmen in his district and they were promised that, if he was elected, he would not raise fees on sportsmen. Therefore, he will have to vote no. **VICE CHAIRMAN BALYEAT**, stated that it is only a \$2.50 fee, but he signed a pledge saying he wouldn't raise taxes or mandatory fees. He also was chairman of an organization that put out that pledge. He states that there are many representatives in this session who have signed that pledge. A more important part of this bill is eliminating the sunset and retaining the 20%. We may be damaging this bill when it gets to the floor if we include with it a mandatory fee increase, which many representatives will feel is a violation of their pledge and may therefore vote against it. He suggests not approving this Amendment and if the issue wants to be addressed, that the Bill Sponsors consider addressing the issue with a separate Bill and not damage this Bill. **REPRESENTATIVE SHOCKLEY** states he is not for giving the agency any more money, however he did not sign a pledge to keep taxes down. He doesn't feel they need more money, since there is a trust fund. The trend toward increased users means more fees coming in; it is not necessary to have more boats paying a bigger fee. If the committee feels this will damage the Bill on the floor, he would like to leave it off. **REPRESENTATIVE GALLUS** feels this is a good Amendment and that it should be debated on the House Floor.

Motion/Vote: REP. GALLUS moved that **AMENDMENT 02 TO HB 132 DO PASS**. Motion failed 6-13 with Gutsche, Facey, Jent, Tramelli, Fritz, and Gallus voting aye.

Amendment 02 fails.

REPRESENTATIVE FACEY questions **Legislative Staffer Doug Sternberg** about the termination date as the bill stands in the committee. **Legislative Staffer Doug Sternberg** stated that Section 03 of the Bill repeals the termination dates that were attached to this Bill in 1993 and 1995, and the effect would be to make the program permanent. As the Bill stands now, the termination dates that were applied to this legislation would be repealed and the sunset would go away. Amendment 03 will change that.

Motion: REP. FACEY moved that **HB 132 AS AMENDED BE ADOPTED AS AMENDED**.

Discussion:

VICE CHAIRMAN BALYEAT asked for clarification, since Amendment 03 has not been considered. Does that mean we would not consider the third set of amendments. **REPRESENTATIVE FACEY** answered yes.

Motion: REP. FACEY moved that HB 132 AS AMENDED BE ADOPTED AS AMENDED.

Discussion:

REPRESENTATIVE FACEY stated that this means the allocation will stay at 20%, the boat tag fee will remain at \$2.50, and it would be permanent. REPRESENTATIVE SHOCKLEY stated it was his suggestion that there would be a sunset on this bill, since they would be giving the agency money that the legislature could not control. REPRESENTATIVE FACEY stated that boat ramps have increased use, more boaters wear out the boat ramps, and the agency needs to be given the ability to repair them.

REPRESENTATIVE GALLUS asked if someone could still move Amendment 03 with a substitute motion. CHAIRMAN FUCHS stated that if this motion fails, there are other opportunities to move the Bill.

VICE CHAIRMAN BALYEAT asked for clarification. If we vote no on REPRESENTATIVE FACEY's motion, would that, in effect, kill the Bill. CHAIRMAN FUCHS indicated no. We have a DO PASS AS AMENDED without the sunset, only Amendment 01 has been adopted.

Motion/Vote: REP. FACEY moved that HB 132 AS AMENDED DO PASS. Motion failed with Bales, Facey, Gallus, Rice, and Steinbeisser voting aye.

Motion/Vote: REP. SHOCKLEY moved that HB 132 AS AMENDED BE TABLED. Motion failed unanimously.

CHAIRMAN FUCHS indicated that we are back to the original question, since the motion to Table failed.

Motion/Vote: REP. FACEY moved that AMENDMENT 03 TO HB 132 DO PASS. Motion carried unanimously.

CHAIRMAN FUCHS asked for Discussion. As there was none, he called for a voice vote.

Motion/Vote: REP. GALLUS moved that HB 132 AS AMENDED TO INCLUDE AMENDMENTS 01 AND 03 DO PASS AS AMENDED. Motion carried 15-3.

End Executive Action.

REPRESENTATIVE BALES asked about a rewrite of the Amendments to make them easier to read. Legislative Staffer Doug Sternberg will combine the Amendments 01 and 03 as passed and rewrite them.

ADJOURNMENT

Adjournment: 5:12 P.M.

REP. DANIEL FUCHS, Chairman

LINDA KEIM, Secretary

DF/LK

EXHIBIT (fih08aad)